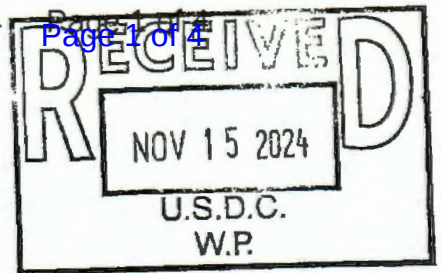


United States District Court:
Southern District of New York:
Jeremiah Herbert, Pro-se, Plaintiff
- Against -
Christina Sanfeliz, Et Al, Defendants



Please Take Notice pro-se plaintiff Hereby I indeed
submits Application And Motion under Rule
37(A)(3); (B)(4); (1)(e) to Impose Sanctions
upon Each Defendant, For Failing As State
Troopers on April 4th, 2022 to properly
preserve the following relevant evidence;
under Rule 37.1 All Good Faith efforts
by plaintiff to Counsel Sussman And Counsel
S. Cynthia Luo Have been made Seeking
through Discovery Any And All relevant
evidence that Indeed exists: Defendants
shall have Spoliation Sanctions Imposed
For not providing And preserving following:
A) Failure to provide Request April 4th, 2022
State Police Body worn Footage of
Enter of Golden Park Apt. And Footage
At State Police Station that Shows
Excessive Force used upon plaintiff;
No Body Camera Worn Footage from
April 4th, 2022 As requested Has been
provided.

- 2) Failure to provide Discovery Request of Request Disciplinary Records For Review of Christopher Fox, Devinne Depuy And Christina Sanfeliz
- 3) Failure to provide Relevant Footage From State Police Station of Plaintiff Harcuffed For hours to Bench on April 4th 2022.
- 4) Failure to provide As Requested State Police Policy with regards to The wearing of Body Cameras upon Execution of A Search warrant

Plaintiff upon Defendants Counsel under Rule 37.1 Made Good Effort Attempts to Identify And Sought production of Relevant Discovery Items; Court Shall Impose Spoliation Sanctions for Defendants Destroyed Body Camera Footage From April 4th 2022 That Indeed Did Exist that will show How under Color of law Excessive Force And Physical Force was used to Impose Injury upon Plaintiff by Defendants Fox, Depuy And Sanfeliz on April 4th 2022 in Liberty New York.

SANCTION UNDER Rule 37(A)(3); (B)(4)
Shall Be Imposed upon All Defendants
For Failing To Preserve Body Cameras
From April 4th 2022, Failing To Preserve
State Police Station Cameras From
April 4th, 2022, Each Defendant For, Depry
And SANFELIZ Knew matter was moving
Forward And Destroyed Relevant Footage
that did contain video evidence of
Excessive Force, And Intentional Acts
To Support 42 U.S.C. 1983 Complaint To Proceed
to TRIAL.

Its Requested Under Rule 37(e)
Application For SANCTION Be granted And
Imposed upon All Defendants.

C.C. File

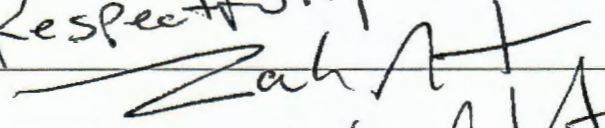
Dated: Nov. 11th, 2024

To: Pro-se Intake Office

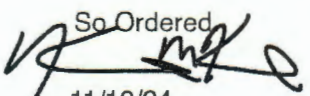
1) S. Cynthia LVA, Esq

2) Michael Sussman, Esq

Respectfully Submitted:


Jeremiah A
Prose, Plaintiff

Motion is denied. There is a pending Motion to Dismiss, which requires resolution before addressing any discovery issues. The Clerk is respectfully directed to mail this document to Plaintiff.

So Ordered

11/19/24

FIVE POINTS CORRECTIONAL FACILITY
STATE ROUTE 96, P.O. BOX 119
ROMULUS, NEW YORK 14541

ROCHESTER NY 144

12 NOV 2024PM 3 L

NAME: Jeremiah
Herbert

DIN: 2381459

LOC: 8-A1-3 B1

Correctional Facility

FIRST-CLASS MAIL
11/20/24
\$000.68

ZIP 14541
041411272007

To: U.S. District Court
Southern District of New York
449 U.S. Courthouse, 300 QUARROPS Street
White Plains, New York 10641-4150

Five Points Correctional
Facility
Legal Mail Only

Attn: Pro-se Intake office

22-cv-4299 (K-m.k)

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